

## Companion Notes to 40 CFR Part 257 Checklist

These notes intend to highlight the differences from Georgia Rule 391-3-4-.10 from 40 CFR Part 257 Subpart D. **Bold font** is used where the State rule differs from and goes beyond the Federal Rule requirements.

Georgia EPD has adopted the 40 CFR Part 257.60 through 257.107 by reference with the following additions and/or revisions:

### Definitions

#### § 257.53 Definitions

**Definitions in 40 CFR § 257.53 have been adopted by reference with the following additions and revisions<sup>1</sup>:**

1. **"Dewatered Surface Impoundment" means a CCR surface impoundment that no longer receives CCR on or after October 19, 2015 and does not contain liquids on or after October 19, 2015.**
2. **"NPDES-CCR Surface Impoundment" means a CCR surface impoundment that no longer receives CCR on or after October 19, 2015 which still contains both CCR and liquids and is located at an electric utility or independent power producer that has ceased producing electricity prior to October 19, 2015.**
3. **"Inactive CCR Landfill" means a CCR landfill that no longer receive s CCR and other wastes on or after October 19, 2015.**
4. **The following text shall be substituted for the fourth condition in the definition of Beneficial use of CCR "(4) For unencapsulated use of CCR, the user must demonstrate to the Division and provide documentation to the Division that environmental releases to groundwater, surface water, soil, and air are comparable to or lower than those from analogous products made without CCR, or that environmental releases to groundwater, surface water, soil, and air will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use."**

### Location Restrictions

§ 257.60 Placement Above the Uppermost Aquifer

§ 257.61 Wetlands

§ 257.62 Fault Areas

§ 257.63 Seismic Impact Zones

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<sup>1</sup> Georgia Rule Reference 391-3-4-.10(2)

## § 257.64 Unstable Areas

**Location Restrictions in 40 CFR (§§ 257.60 - 257.64) have been adopted by reference with the following additions for New and lateral Expansions of CCR landfills<sup>2</sup>:**

- 1. The hydrogeological evaluation for a specific site must be performed by a qualified groundwater scientist.**
- 2. When the geological and hydrogeological data so indicate, the Division may specify greater separation distances to protect groundwater.**
- 3. Buffers: New CCR units and lateral expansions of CCR units must provide a 200-foot undisturbed buffer between the waste disposal boundary and the boundary of the permitted facility and a minimum 500-foot buffer between the waste disposal boundary and any occupied dwelling and the dwelling's operational private, domestic water supply well in existence on the date of the permit application. The 500-foot buffer may be reduced if the current owner of the dwelling provides a written waiver consenting to the waste disposal boundary being closer than 500 feet. No disposal or storage practices for waste shall take place in the buffer zones.**

## Design Criteria

§ 257.70 Design Criteria for New CCR Landfills and Any Lateral Expansion of a CCR Landfill

§ 257.71 Liner Design Criteria for Existing CCR Surface Impoundments

§ 257.72 Liner Design Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment

§ 257.73 Structural Integrity Criteria for Existing CCR Surface Impoundments

§ 257.74 Structural Integrity Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment

**Design Criteria in 40 CFR (§§ 257.70 - 257.74) have been adopted by reference.**

## Operating Criteria

§ 257.80 Air Criteria

§ 257.81 Run-on and Run-off Controls for CCR Landfills

§ 257.82 Hydrologic and Hydraulic Capacity Requirements for CCR Surface Impoundments

§ 257.83 Inspection Requirements for CCR Surface Impoundments

§ 257.84 Inspection Requirements for CCR Landfills

**Operating Criteria in 40 CFR (§§ 257.80 - 257.84) have been adopted by reference with the following additions<sup>3</sup>:**

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<sup>2</sup> Georgia Rule Reference 391-3-4-.10(3) (c),(d),(e)

<sup>3</sup> Georgia Rule Reference 391-3-4-.10(5)(c)

1. The operation and use of the CCR unit shall be as stipulated in the solid waste handling permit.

### Groundwater Monitoring and Corrective Action

- § 257.90 Applicability
- § 257.91 Groundwater monitoring systems
- § 257.93 Groundwater Sampling and Analysis Requirements
- § 257.94 Detection Monitoring Program
- § 257.95 Assessment Monitoring Program
- § 257.96 Assessment of Corrective Measures
- § 257.97 Selection of Remedy
- § 257.98 Implementation of the Corrective Action Program

**Groundwater Monitoring and Corrective Action in 40 CFR (§§ 257.90 - 257.98) have been adopted by reference with the following additions<sup>4</sup>:**

1. When referenced in this Rule, Appendix III and Appendix IV constituents shall refer to those constituents as listed in Appendix III and IV of 40 CFR Part 257, Subpart D, 80 FR 21468, (Apr. 17, 2015), which are hereby incorporated by reference.
2. The owner or operator of a CCR unit must submit a semi-annual report to the Division to coincide with the semi-annual sampling event. A qualified groundwater scientist must certify the report.
3. The Division must provide concurrence with the following actions in order for them to be complete:
  - a. Groundwater monitoring system design
  - b. Groundwater sampling and analysis plan
  - c. Groundwater monitoring well installation
  - d. Alternate source demonstration
  - e. Selection of remedy
  - f. Completion of remedy.
4. The Director may require the analysis of additional parameters based on waste descriptions.
5. An owner or operator of a CCR unit shall continue to monitor for Appendix I or II constituents if these constituents have previously been detected at statistically significant levels above background concentrations.

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<sup>4</sup> Georgia Rule Reference 391-3-4-.10(6)(b) to (g)



6. **Monitoring wells require replacement after two dry sampling events, unless an alternate schedule has been approved by the Division. A minor modification shall be submitted in accordance with subparagraph (4)(b)7 of Rule 391-3-4-.02 prior to the installation or decommissioning of monitoring wells. Well installation must be directed by a qualified groundwater scientist.**

### Closure and Post-Closure Care

- § 257.100 Inactive CCR Surface Impoundments
- § 257.101 Closure or Retrofit of CCR Units
- § 257.102 Criteria for Conducting the Closure or Retrofit of CCR Units
- § 257.103 Alternative Closure Requirements
- § 257.104 Post-Closure Care Requirements

**Closure and Post-Closure Care in 40 CFR (§§ 257.100 - 257.104) have been adopted by reference with the following additions:**

#### **§ 257.100 Inactive CCR Surface Impoundments<sup>5</sup>:**

1. **The following additional requirements apply to inactive surface impoundments that complete closure requirements in 40 CFR 257.100(e)(1) through (e)(4) no later than April 17, 2018:**
  - (i) **Permitting requirements.**
  - (ii) **Groundwater monitoring and corrective action requirements.**
2. **CCR surface impoundments that complete closure through removal of CCR and meet all of the requirements of 40 CFR 257.100(e)(5) no later than April 17, 2018 are subject only to the following requirements: "Narrative describing how the CCR unit will be closed including the elimination of free liquids and stabilization of remaining waste or by closure through removal of CCR".**

#### **§ 257.103 Alternative Closure Requirements<sup>6</sup>:**

1. **The owner or operator must close the CCR unit in accordance with the written closure plan.**
2. **A notice of intent to close must be provided to the Director after receipt of the final load of waste.**
3. **Upon completion of closure activities, a professional engineer registered in Georgia shall prepare and submit a closure report to the Director. The closure report must be completed on forms provided by the Division. If the Director concurs with the**

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<sup>5</sup> Georgia Rule Reference 391-3-4-.10(7)(a)

<sup>6</sup> Georgia Rule Reference 391-3-4-.10(7) (c),(d),(e) and (f)

closure report, closure will be deemed complete and the facility may begin the post-closure care period.

4. Concurrent with the submission of this closure report to the Director, the owner or operator must submit confirmation to the Director that a notation on the property deed has been recorded. This recording must in perpetuity notify any potential purchaser of the property that the land has been used as a CCR unit and that its use is restricted under the post closure care requirements of this Rule.

#### **§ 257.104 Post-Closure Care Requirements<sup>7</sup>**

1. Post-Closure care for existing, new, and lateral expansions of CCR units shall be conducted in accordance with 40 CFR 257.104 with the following exception and additions:

- a. An owner or operator of an inactive surface impoundment that elects to close CCR unit pursuant to the requirements under 40 CFR 257.100(b) is subject to the post- closure care criteria in 40 CFR 257.104.
- b. CCR units must comply with the conditions of the solid waste handling permit.
- c. The release of CCR units from post-closure care must be approved by the Division.

#### **Recordkeeping, Notification, and Publicly Accessible Internet Site Requirements**

§ 257.105 Recordkeeping Requirements

§ 257.106 Notification Requirements

§ 257.107 Publicly Accessible Internet Site Requirements

**Recordkeeping, Notification, and Publicly Accessible Internet Site Requirements in 40 CFR (§§ 257.105 - 257.107) have been adopted by reference with the following addition<sup>8</sup>:**

1. Electronic mail sent to a designated EPD recipient is an authorized form of notification when approved by EPD.

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<sup>7</sup> Georgia Rule Reference 391-3-4-.10(7) (g)

<sup>8</sup> Georgia Rule Reference 391-3-4-.10(8)